

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OCLC, Inc.,

Plaintiff,

v.

**ANNA’S ARCHIVE, f/k/a PIRATE
LIBRARY MIRROR, MARIA DOLORES
ANASZTASIA MATIENZO, and JOHN
DOES #1–20,**

Defendants.

Case No. 2:24-cv-00144-MHW-EPD

Judge Michael H. Watson

**Magistrate Judge Elizabeth A. Preston
Deavers**

DECLARATION OF BARTON MURPHY

Barton Muphy declares the following pursuant to 28 U.S.C. § 1746:

1. My name is Barton Muphy. I am a resident of Ohio.
2. I am the Chief Technology and Information Officer at OCLC, Inc. I have held this position since December 2018. Prior to joining OCLC, I served in comparable roles at a variety of other entities. My technology expertise is in software development, infrastructure, data management, security, portfolio management, and agile management. I have been in a technology and business role since 1997.
3. I received my Bachelors of Science in Biomedical Engineering from the University of Pennsylvania in 1997.
4. At OCLC, I am a member of OCLC’s executive leadership team and am responsible for leading OCLC’s Global Technology team. I oversee OCLC’s engineering centers worldwide. I am also responsible for overseeing OCLC’s security response, technology infrastructure, applications, and data assets affected by the cyberattacks described in the above-referenced matter.

I was also responsible for responding to and mitigating the hacking, harvesting, and scraping attacks on OCLC's WorldCat.org throughout 2022 and 2023.

5. I submit this declaration in support of OCLC's Opposition to Defendant Maria Dolores Anasztasia Matienzo's Motion to Dismiss. I have knowledge of the facts stated herein based on my experience, personal knowledge, and my review of the documents, files, websites, and other referenced materials.

6. OCLC is an Ohio nonprofit entity with headquarters at 6565 Kilgour Place, Dublin, Ohio 43017-3395.

7. All individuals who use WorldCat.org agree to OCLC's WorldCat.org Terms and Conditions, which are available online at <https://www.oclc.org/content/dam/ext-ref/worldcat-org/terms.html>. These Terms and Conditions state that they are governed by Ohio law. The Terms and Conditions also require that any notices to OCLC be sent to OCLC's headquarters in Dublin, Ohio. The current Terms and Conditions were in effect during all times relevant in this case.

8. The sole contact OCLC's business operations has to Washington is OCLC's WebJunction, a training resource for libraries, which is located in Washington. The business activities at this location are separate from OCLC's WorldCat.org and WorldCat® products at issue in this case.

9. Beginning in the fall of 2022, OCLC experienced persistent attacks on WorldCat.org, its servers, and network infrastructure. These attacks continued for approximately one year.

10. The scope and methods of these attacks are accurately summarized in paragraphs 76-80 of the Complaint for Declaratory and Injunctive Relief and Damages that OCLC filed in this case, Dkt. 1 (filed Jan. 12, 2024) (the "Complaint").

11. The majority of OCLC's servers and network infrastructure are located in Ohio, including all servers and network infrastructure that were targeted and directly affected by the attacks at issue in this case. The infrastructure affected by these attacks is exclusively located in Ohio.

12. OCLC suffered significant harm from these attacks. That harm is accurately summarized in paragraphs 80-85, 100-101, 104, 119, and 120 of the Complaint.

13. The bulk of harm suffered by OCLC was felt in Ohio. For example, the servers and network infrastructure that were attacked and that support and house WorldCat.org and OCLC's WorldCat® records are in Ohio. As a result of the attacks, OCLC spent over 1.4 million dollars on its systems' infrastructure located in Ohio. Nearly all the almost 10,000 employee hours that OCLC devoted to responding to the attacks came from OCLC employees based in Ohio.

14. In October 2023, OCLC learned that Anna's Archive had taken credit for these attacks in a post that it published on its blog located at <https://annas-blog.org/worldcat-scrape.html>. As described in its blog post, Anna's Archive purposefully targeted OCLC's WorldCat.org to create a list of works to pirate and distribute for free based on OCLC's WorldCat® bibliographic data. Additionally, Anna's Archive intended to offer OCLC's WorldCat® data for free *en masse*.

15. Anna's Archive has made, and continues to make, 2.2 TB of WorldCat® data that it harvested from WorldCat.org available for free via public download.

16. After Anna's Archive published the October 3, 2023 blog post, OCLC opened an investigation into Anna's Archive and its attacks on OCLC, hoping to identify the individuals behind Anna's Archive.

17. The individuals behind Anna's Archive have taken drastic steps to hide their identities and remain anonymous. In another blog post located at <https://annas-blog.org/how-to->

run-a-shadow-library.html, Anna's Archive provides a how-to guide on running a pirate library and emphasizes the importance of anonymity given the illegal nature of the library. The blog post details the efforts the individuals behind Anna's Archive take to conceal their identities, including using usernames as pseudonyms, omitting identifying information from their website, and engaging domain proxy services.

18. One identifying factor Anna's Archive did provide about its owners and/or operators is that they all had "jobs in finance and tech." Anna's Archive provided this information in a September 25, 2022 blog post located at <https://annas-blog.org/blog-3x-new-books.html>.

19. As a result of its investigation, OCLC determined that Ms. Matienzo was likely a member of Anna's Archive and a participant in the attacks on OCLC.

20. Ms. Matienzo is an archivist and has referred to herself as one.

21. Ms. Matienzo's middle name is Anasztasia, for which "Ana" or "Anna" is a nickname, and she has gone by "Ana" and "Anna" online, including during the period relevant in this case.

22. Ms. Matienzo uses the online handle, "anarchivist," which is similar to Anna's Archive's now-defunct Twitter/X handle, "AnnaArchivist."

23. She has publicly echoed and shares the same goals as Anna's Archive, that libraries and archives should be free and widely available.

24. During the period relevant to this case, Ms. Matienzo had a job in "tech" as a software engineering manager, which is consistent with Anna's Archive's statements that its owners and/or operators had jobs in tech. Her field of work, along with her extensive GitHub presence, indicates that she has the software skills and programming experience necessary to help run Anna's Archive.

25. Ms. Matienzo has significant website domain hosting experience, including experience and knowledge in how to do so anonymously, a skill that the individuals behind Anna's Archive detailed as most important in their blog posts.

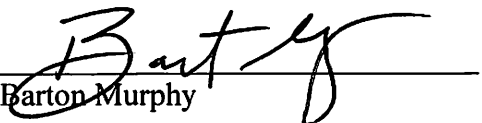
26. Ms. Matienzo also has a meaningful understanding of OCLC's WorldCat® products because she developed a repository for a python module that works with OCLC's WorldCat® Affiliate web services, which is publicly available on her GitHub profile. This knowledge of OCLC's WorldCat® products and data is important to hacking and harvesting WorldCat® data from WorldCat.org and using that data to create Anna's Archive's "TODO" list. It also further indicates that Ms. Matienzo has visited WorldCat.org, used its data, and therefore, accepted the Terms and Conditions.

27. Ms. Matienzo knows that OCLC is headquartered and conducts the majority of its business in Ohio because she is a former catalogue librarian, has worked at a competitor of OCLC (ProQuest), applied for employment with OCLC, and has a former family member who works at OCLC.

28. Ms. Matienzo has also acknowledged in her own publications that OCLC was founded in Ohio "as an organization dedicated to developing and supporting a computerized regional library network for Ohio's academic libraries" and that OCLC is based in Dublin, Ohio. These publications are available at <https://matienzo.org/storage/2009/2009-Jun-WorldCatAPI.pdf> and <https://www.oclc.org/content/dam/research/publications/library/2010/2010-04.pdf>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5/14/2024
Date


Barton Murphy